

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTONE LAMANDINGO KNOX,)
)
)
Petitioner,)
)
)
-vs-) Case No. CIV-19-0191-F
)
)
MIKE CARPENTER, Warden,)
)
)
Respondent.)

ORDER

Petitioner Antone Lamandingo Knox, a state prisoner appearing *pro se*, brings this action pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. Before the court is a Report and Recommendation of March 5, 2019 (the Report, doc. no. 8), submitted by Magistrate Judge Shon T. Erwin. The Report recommends that the court transfer this case to the Eastern District of Oklahoma, for lack of jurisdiction in this court over these § 2241 proceedings. The Report makes this recommendation based on the magistrate judge's conclusion that the petition attacks the execution of the sentence rather than its validity, so that this action must be heard in the district where petitioner is confined. In this instance, that district is the Eastern District of Oklahoma, as petitioner is incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma.

Petitioner has filed a timely objection to the Report. Doc. no. 9. All objected to matters have been reviewed *de novo*.

Petitioner argues that venue is proper in this district for various reasons, including, for example, that the pardon and parole board is located in Oklahoma County, that petitioner was convicted in Oklahoma County, and that Oklahoma

County has more connections to this case. The court has considered all of petitioner's arguments. Having done so, the court finds that none of these arguments change the fundamental principle applicable here, which is that petitioner's §2241 challenge to the execution of his sentence must be heard in the district where he is confined. Accordingly, the court agrees with the magistrate judge's recommendation that, in the interest of justice, this case should be transferred to the Eastern District of Oklahoma.

After careful consideration, petitioner's objections are **DENIED** (doc. no. 9), and the Report and Recommendation is **ACCEPTED** and **AFFIRMED** (doc. no. 8). As recommended in the Report, this action is hereby **TRANSFERRED** to the United States District Court for the Eastern District of Oklahoma.

IT IS SO ORDERED this 21st day of March, 2019.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE